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09/872,633	06/01/2001	Yoshitaka Nishimoto	892_018	1715

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EXAMINER
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WU, RUTAO

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3628

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/872,633		NISHIMOTO, YOSHITAKA	
	<b>Examiner</b>		<b>Art Unit</b>	
	Rob Wu		3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-33 and 40-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-33 and 40-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. In response file April 11, 2007, no amendments to the claims have been filed. Claims 29-33 and 40-50 are pending in the application.

### ***Response to Arguments***

2. Applicant's arguments filed April 11, 2007 have been fully considered but they are not persuasive.

Regarding claims 45 and 48, the applicant argues that Walker fails to teach or suggest a system in which the seller transmits a desired price to a posting site, and a reading unit that extracts records containing quality information coincident with the identifying information and quality information of the item for sale by price range or a statistic calculating process that provides an average number of bid tender days to complete a transaction and an average transaction price for each price range. More specifically, the applicant state that Walker discloses that the seller transmits a "floor price", defined as "a price below which the item will not be sold", which is different than the applicant's claimed desired transaction price. Thus the applicants states that Walker neither teaches nor suggests a seller transmitting a desired price to a posting site device. The Examiner respectively disagrees. As stated by the applicant, Walker discloses a "floor price" and the "floor price" is the minimum price that the item will be

sold. Therefore, the desired price is the floor price because that is the price that the seller is willing to sell the item.

With regards to the applicant's argument that Walker does not teach extracting prior transaction records containing identifying information and quality information coincident with the identifying information and quality information of the item for sale and then further parses the extracted records by price range. The Examiner respectively disagrees. Walker disclose that based on the information in the posting database, the posting site device can examine past posts for the same class and type of item. (col 7: lines 4-6) Looking at Fig 4 of Walker, it shows identifying information and quality information coincident with the identifying information and quality information of the item for sale. Walker also disclose in Fig 8 extracting completed transaction price that belongs to one of said price ranges inclusive of the desired transaction price by showing that the system extracts price ranges of the previous sold items and the likelihood that it will sell at that price range as the system suggest a posting price that would benefit both the seller and the posting site.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

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reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Based on the arguments above, Walker discloses or renders obvious a system as claimed in independent claims 45 and 48.

Regarding claims 46 and 49, the applicant argues that Walker fails to teach or suggest the claimed system for the following reasons.

First, Walker fails to teach or suggest a system in which the seller transmits a desired price. The Examiner respectfully disagrees. Walker discloses a "floor price" and the "floor price" is the minimum price that the item will be sold. Therefore, the desired price is the floor price because that is the price that the seller is willing to sell the item.

Second, Walker fails to teach or suggest providing an average number of bid tender days to complete a transaction and an average transaction price by price range. The Examiner respectfully disagrees. Walker et al disclose the ability to use trend analysis for sales of similar items or statistics such as sales during the past year to estimate the value of the item to be posted (col 7: lines 15-19). Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction, final selling price of the product and the number of product sold are all recorded in the Item Database. Therefore, it would have been obvious for Walker et al to calculate an average number of bid per item sold and an average price of item sold as needed as part of disclosed trended analysis to determine the proper listing price for the item. Walker would be

motivated to perform such calculations to ensure that the posting site receives the proper commission and the seller sales his item. (col 8: lines 10-16)

Third, Walker fails to teach or suggest a system including a statistical process that provides an average number of bid tender days to complete a transaction and an average transaction price for prior transaction containing identifying information and quality information coincident with the item for sale based on the number of specified advertising periods for the prior transactions for each price range. The Examiner respectively disagrees.

Walker et al disclose the ability to use trend analysis for sales of similar items or statistics such as sales during the past year to estimate the value of the item to be posted (col 7: lines 15-19). Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction, final selling price of the product and the number of product sold are all recorded in the Item Database. Therefore, it would have been obvious for Walker et al to calculate an average number of bid per item sold and an average price of item sold as needed as part of disclosed trended analysis to determine the proper listing price for the item. Walker would be motivated to perform such calculations to ensure that the posting site receives the proper commission and the seller sales his item. (col 8: lines 10-16)

With respect to claims 29-33, 40-44 and 47, these claims depend from independent claims 45 and 48 and are rejected based on similar reasons.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29-32, 40-43, 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,415,264 to Walker et al.

**Referring to claim 45:**

A system providing price setting support information to a requester for setting a price for a transaction target article comprising:

A transaction target database to store records each containing identifying information and quality information for transaction target articles; (Fig 2)

A transaction history database to store transaction achievement information records each containing completed transaction price for a transaction target article and necessary time related information relating to the time necessary to conduct said transaction for said transaction target article; (Fig 2) (col 7: lines 4-19)

A receiving unit that receives from said requester said identifying information of said transaction target article to be set for said transaction price, quality evaluating information for evaluating quality of said transaction target article and a desired transaction price; (col 3: lines 56-60; col 5: line 27, 32-36)

A reading unit that reads, from said transaction target database, any records containing quality information coincident with said identifying information and quality evaluating information received by said receiving unit, and extracts, from said

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transaction history database, as a plurality of first extraction records, any transaction achievement records coincident with said identifying information and said quality information; (col 7: lines 4-19)

An extracting unit that extracts a plurality of second extraction records from said plurality of first extraction records, each second extraction record containing a completed transaction price that belongs to one of said price ranges inclusive of the desired transaction price; (col 7: lines 15-23, Fig 8)

Walker et al does not expressly disclose a statistic value calculating unit that divides a number of said plurality of second extraction records into a total number of necessary days to complete the transactions for said transaction target articles obtained based on the necessary time related information included in said plurality of second extraction records to calculate and average number of bid tender days;

However, Walker et al does disclose the ability to use trend analysis for sales of similar items to estimate the value of the item to be posted. (col 7: lines 15-19) Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction is recorded for each item that is posted on the posting site. Therefore, it would have been obvious for Walker et al to calculate a average number days per item sold as part of disclosed trend analysis. Walker would be motivated to perform such calculations to ensure that the posting site receives the proper commission and the seller sales his item. (col 8: lines 10-16)



A transmitting unit that transmits to said requester said quality information read by said reading unit and said average number of bid tender days calculated by said statistic value calculating unit; (col 5: lines 1, 22, Fig 6A) and

Walker et al does not expressly disclose creating a first collection table to collect said number of first extraction records, said total number of necessary days and said sum of complete transaction prices corresponding to each of said price ranges;

However, from Fig 4, it is clear that Walker et al stores the total time that an item was up for sale and final price of each item in the Item Database. Therefore, it would have been obvious and trivial for Walker et al to create a table disclosing the total number of necessary days and sum of complete transaction prices and sort said table by final sales price as deemed necessary by trend analysis.

Said statistic value calculating unit executing a process with respect to each of said plurality of first extraction records, said process comprising:

Determining said completed transaction price included in one of said plurality of first extraction records; (Fig 4)

Walker et al does not expressly disclose:

Incrementing by one said number of first extraction records on said first collection table corresponding to one of said price ranges inclusive of the completed transaction price included in one of said plurality of first extraction records;

Adding days necessary to complete said transaction for said transaction target article based on the necessary time related information included in one of said first

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extraction records to said total number of necessary days in said first collection table corresponding to one of said price ranges; and

Adding said completed transaction price included in one of said plurality of first extraction records to the sum of completed transaction prices in said first collection table corresponding to one of said price ranges,

After processing with respect to all of said plurality of first extraction records are completed, said statistic value calculating unit divides said total number of necessary days and said sum of completed transaction prices corresponding to one of said price ranges stored on said first collection table into said number of first extraction records corresponding to one of said price ranges to calculate an average number of bid tender days and an average transaction price corresponding to each of said price ranges,

However, Walker et al does disclose the ability to use trend analysis for sales of similar items or statistics such as sales during the past year to estimate the value of the item to be posted. (col 7: lines 15-19) Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction, final selling price of the product and the number of products sold are all recorded in the Item Database. Therefore, it would have been obvious for Walker et al to calculate an average number or bids per item sold and an average price of item sold as needed as part of disclosed trend analysis to determine the proper listing price for the item. Walker would be motivated to perform such calculations to ensure that the posting site receives the proper commission and the seller sales his item. (col 8: lines 10-16)

A transmitting unit transmitting to said requester said average number of bid tender days and said average transaction price corresponding to each of said price ranges. (col 5: lines 1, 22, Fig 6A)

**Referring to claim 46:**

A system providing price setting support information to a requester for setting a price for a transaction target article comprising:

A transaction target database to store records each containing identifying information and quality information for transaction target articles; (Fig 2)

A transaction history database to store transaction achievement information records each containing completed transaction price for a transaction target article and necessary time related information relating to the time necessary to conduct said transaction for said transaction target article; (Fig 2) (col 7: lines 4-19)

A receiving unit that receives from said requester said identifying information of said transaction target article to be set for said transaction price, quality evaluating information for evaluating quality of said transaction target article and a desired transaction price; (col 3: lines 56-60; col 5: line 27, 32-36)

A reading unit that reads, from said transaction target database, any records containing quality information coincident with said identifying information and quality evaluating information received by said receiving unit, and extracts, from said transaction history database, as a plurality of first extraction records, any transaction achievement records coincident with said identifying information and said quality information; (col 7: lines 4-19)

An extracting unit that extracts a plurality of second extraction records from said plurality of first extraction records, each second extraction record containing a completed transaction price that belongs to one of said price ranges inclusive of the desired transaction price; (col 7: lines 15-23, Fig 8)

Walker et al does not expressly disclose a statistic value calculating unit that divides a number of said plurality of second extraction records into a total number of necessary days to complete the transactions for said transaction target articles obtained based on the necessary time related information included in said plurality of second extraction records to calculate and average number of bid tender days;

However, Walker et al does disclose the ability to use trend analysis for sales of similar items to estimate the value of the item to be posted. (col 7: lines 15-19) Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction is recorded for each item that is posted on the posting site. Therefore, it would have been obvious for Walker et al to calculate a average number days per item sold as part of disclosed trend analysis. Walker would be motivated to perform such calculations to ensure that the posting site receives the proper commission and the seller sales his item. (col 8: lines 10-16)

A transmitting unit that transmits to said requester said quality information read by said reading unit and said average number of bid tender days calculated by said statistic value calculating unit; (col 5: lines 1, 22, Fig 6A) and

Walker et al does not expressly disclose creating a second collection table to collect said number of first extraction records, said total number of necessary days and

said sum of complete transaction prices corresponding to each of a plurality of advertising periods for transaction information;

However, from Fig 4, it is clear that Walker et al stores the total time that an item was up for sale and final price of each item in the Item Database. Therefore, it would have been obvious and trivial for Walker et al to create a table disclosing the total number of necessary days and sum of complete transaction prices and sort said table by total time items were up for bid as deemed necessary by trend analysis.

Said statistic value calculating unit executing a process with respect to each of said plurality of first extraction records, said process comprising:

Obtaining necessary days to complete the transaction for said transaction target article based on said necessary time related information included in one of said plurality of first extraction records; (Fig 4)

Walker et al does not expressly disclose:

Incrementing by one said number of first extraction records on said second collection table corresponding to one of said plurality of advertising periods inclusive of said necessary days obtained based on one of said plurality of first extraction records;

Adding said necessary days to said total number of necessary days in said second collection table corresponding to one of said plurality of advertising periods; and

Adding said completed transaction price included in one of said plurality of first extraction records to the sum of completed transaction prices in said second collection table corresponding to one of said plurality of advertising periods,

After processing with respect to all of said plurality of first extraction records are completed, said statistic value calculating unit divides said total number of necessary days and said sum of completed transaction prices corresponding to each of said plurality of advertising periods stored in said second collection table into said number of first collection records corresponding to one of said plurality of advertising periods to calculate an average number of bid tender days and an average transaction price corresponding to each of said plurality of advertising periods,

However, Walker et al does disclose the ability to use trend analysis for sales of similar items or statistics such as sales during the past year to estimate the value of the item to be posted. (col 7: lines 15-19) Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction, final selling price of the product and the number of products sold are all recorded in the Item Database. Therefore, it would have been obvious for Walker et al to calculate an average number or bids per item sold and an average price of item sold as needed as part of disclosed trend analysis to determine the proper listing price for the item. Walker would be motivated to perform such calculations to ensure that the posting site receives the proper commission and the seller sales his item. (col 8: lines 10-16)

A transmitting unit transmitting to said requester said average number of bid tender days and said average transaction price corresponding to each of said plurality of advertising periods. (col 5: lines 1, 22, Fig 6A)

**Referring to claim 47:**

Walker et al does not expressly disclose creating a second collection table to collect said number of first extraction records, said total number of necessary days and said sum of complete transaction prices corresponding to each of a plurality of advertising periods for transaction information;

However, from Fig 4, it is clear that Walker et al stores the total time that an item was up for sale and final price of each item in the Item Database. Therefore, it would have been obvious and trivial for Walker et al to create a table disclosing the total number of necessary days and sum of complete transaction prices and sort said table by total time items were up for bid as deemed necessary by trend analysis.

Said statistic value calculating unit executing a process with respect to each of said plurality of first extraction records, said process comprising:

Obtaining necessary days to complete the transaction for said transaction target article based on said necessary time related information included in one of said plurality of first extraction records; (Fig 4)

Walker et al does not expressly disclose:

Incrementing by one said number of first extraction records in said second collection table corresponding to one of said plurality of advertising periods inclusive of said necessary days obtained based on one of said plurality of first extraction records;

Adding said necessary days to said total number of necessary days on said second collection table corresponding to one of said plurality of advertising periods; and

Adding said completed transaction price included in one of said plurality of first extraction records to the sum of transaction prices in said second collection table corresponding to one of said plurality of advertising periods,

After processing with respect to all of said plurality of first extraction records are completed, said statistic value calculating unit divides said total number of necessary days and said sum of completed transaction prices corresponding to each of said plurality of advertising periods stored in said second collection table into said number of first collection records corresponding to one of said plurality of advertising periods to calculate an average number of bid tender days and an average transaction price corresponding to each of said plurality of advertising periods,

However, Walker et al does disclose the ability to use trend analysis for sales of similar items or statistics such as sales during the past year to estimate the value of the item to be posted. (col 7: lines 15-19) Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction, final selling price of the product and the number of products sold are all recorded in the Item Database. Therefore, it would have been obvious for Walker et al to calculate an average number or bids per item sold and an average price of item sold as needed as part of disclosed trend analysis to determine the proper listing price for the item. Walker would be motivated to perform such calculations to ensure that the posting site receives the proper commission and the seller sales his item. (col 8: lines 10-16)



A transmitting unit transmitting to said requester said average number of bid tender days and said average transaction price corresponding to each of said plurality of advertising periods. (col 5: lines 1, 22, Fig 6A)

**Referring to claim 48:**

A method of providing price setting support information to a requester for setting a price for a transaction target article comprising:

receiving from said requester said identifying information of said transaction target article to be set for said transaction price, quality evaluating information for evaluating quality of said transaction target article and a desired transaction price; (col 3: lines 56-60; col 5: line 27, 32-36)

A reading unit that reads, from said transaction target database, which holds records each containing identifying information and quality information for a transaction target article, any records containing quality information coincident with said identifying information and quality evaluating information which is received, and extracts, from said transaction history database, which holds transaction achievement information records each containing completed transaction price for said transaction target article and necessary time related information relating to the time necessary to conduct the transaction for said transaction target article, as a plurality of first extraction records, any transaction achievement records coincident with said identifying information and said quality information; (col 7: lines 4-19, 25-40)

extracting a plurality of second extraction records from said plurality of first extraction records, each second extraction record containing a completed transaction

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price that belongs to one of said price ranges inclusive of the desired transaction price;  
(col 7: lines 15-23, Fig 8)

Walker et al does not expressly disclose dividing said number of said plurality of second extraction records into said total number of necessary days to complete the transactions for said transaction target articles obtained based on the necessary time related information included in said plurality of second extraction records to calculate and average number of bid tender days;

However, Walker et al does disclose the ability to use trend analysis for sales of similar items to estimate the value of the item to be posted. (col 7: lines 15-19) Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction is recorded for each item that is posted on the posting site. Therefore, it would have been obvious for Walker et al to calculate a average number days per item sold as part of disclosed trend analysis.

A transmitting unit that transmits to said requester said quality information read by said reading unit and said average number of bid tender days calculated by said statistic value calculating unit; (col 5: lines 1, 22, Fig 6A) and

Walker et al does not expressly disclose executing a process with respect to each of said plurality of first extraction records, the process using a first collection table to collect said number of first extraction records, said total number of necessary days and said sum of complete transaction prices corresponding to each of said price ranges;

However, from Fig 4, it is clear that Walker et al stores the total time that an item was up for sale and final price of each item in the Item Database. Therefore, it would

have been obvious and trivial for Walker et al to create a table disclosing the total number of necessary days and sum of complete transaction prices and sort said table by final sales price as deemed necessary by trend analysis.

Determining the completed transaction price included in one of said plurality of first extraction records; (Fig. 4)

Walker et al does not expressly disclose:

Incrementing by one said number of first extraction records on said first collection table corresponding to one of said price ranges inclusive of the completed transaction price included in one of said plurality of first extraction records;

Adding days necessary to complete said transaction for said transaction target article based on the necessary time related information included in one of said first extraction records to said total number of necessary days in said first collection table corresponding to one of said price ranges; and

Adding said completed transaction price included in one of said plurality of first extraction records to the sum of completed transaction prices in said first collection table corresponding to one of said price ranges,

After processing with respect to all of said plurality of first extraction records are completed, said statistic value calculating unit divides said total number of necessary days and said sum of completed transaction prices corresponding to one of said price ranges stored on said first collection table into said number of first extraction records corresponding to one of said price ranges to calculate an average number of bid tender days and an average transaction price corresponding to each of said price ranges,

However, Walker et al does disclose the ability to use trend analysis for sales of similar items or statistics such as sales during the past year to estimate the value of the item to be posted. (col 7: lines 15-19) Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction, final selling price of the product and the number of products sold are all recorded in the Item Database. Therefore, it would have been obvious for Walker et al to calculate an average number or bids per item sold and an average price of item sold as needed as part of disclosed trend analysis to determine the proper listing price for the item. Walker would be motivated to perform such calculations to ensure that the posting site receives the proper commission and the seller sales his item. (col 8: lines 10-16)

A transmitting unit transmitting to said requester said average number of bid tender days and said average transaction price corresponding to each of said price ranges. (col 5: lines 1, 22, Fig 6A)

**Referring to claim 49:**

A method of providing price setting support information to a register for setting a price for a transaction target article comprising:

receiving from said requester identifying information of said transaction target article to be set for said transaction price, quality evaluating information for evaluating quality of said transaction target article and a desired transaction price; (col 3: lines 56-60; col 5: line 27, 32-36)

A reading unit that reads, from said transaction target database, which holds records each containing identifying information and quality information for a transaction

target article, any records containing quality information coincident with said identifying information and quality evaluating information which is received, and extracts, from said transaction history database, which holds transaction achievement information records each containing completed transaction price for said transaction target article and necessary time related information relating to the time necessary to conduct the transaction for said transaction target article, as a plurality of first extraction records, any transaction achievement records coincident with said identifying information and said quality information; (col 7: lines 4-19, 25-40)

extracting a plurality of second extraction records from said plurality of first extraction records, each second extraction record containing a completed transaction price that belongs to one of said price ranges inclusive of the desired transaction price; (col 7: lines 15-23, Fig 8)

Walker et al does not expressly disclose dividing said number of said plurality of second extraction records into said total number of necessary days to complete the transactions for said transaction target articles obtained based on the necessary time related information included in said plurality of second extraction records to calculate and average number of bid tender days;

However, Walker et al does disclose the ability to use trend analysis for sales of similar items to estimate the value of the item to be posted. (col 7: lines 15-19) Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction is recorded for each item that is posted on the posting site. Therefore, it would have been

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obvious for Walker et al to calculate a average number days per item sold as part of disclosed trend analysis.

A transmitting unit that transmits to said requester said quality information read by said reading unit and said average number of bid tender days calculated by said statistic value calculating unit; (col 5: lines 1, 22, Fig 6A)

Walker et al does not expressly disclose executing processing with respect to each of said plurality of first extraction records, said process using a second collection table to collect said number of first extraction records, said total number of necessary days and said sum of complete transaction prices corresponding to each of said plurality of advertising periods for transaction information;

However, from Fig 4, it is clear that Walker et al stores the total time that an item was up for sale and final price of each item in the Item Database. Therefore, it would have been obvious and trivial for Walker et al to create a table disclosing the total number of necessary days and sum of complete transaction prices and sort said table by total time items were up for bid as deemed necessary by trend analysis.

Obtaining necessary days to complete the transaction for said transaction target article based on said necessary time related information included in one of said plurality of first extraction records; (Fig 4)

Walker et al does not expressly disclose:

Incrementing by one said number of first extraction records on said second collection table corresponding to one of said plurality of advertising periods inclusive of said necessary days obtained based on one of said plurality of first extraction records;

Adding said necessary days to said total number of necessary days in said second collection table corresponding to one of said plurality of advertising periods; and

Adding said completed transaction price included in one of said plurality of first extraction records to the sum of completed transaction prices in said second collection table corresponding to one of said plurality of advertising periods,

After processing with respect to all of said plurality of first extraction records are completed, said statistic value calculating unit divides said total number of necessary days and said sum of completed transaction prices corresponding to each of said plurality of advertising periods stored in said second collection table into said number of first collection records corresponding to one of said plurality of advertising periods to calculate an average number of bid tender days and an average transaction price corresponding to each of said plurality of advertising periods,

However, Walker et al does disclose the ability to use trend analysis for sales of similar items or statistics such as sales during the past year to estimate the value of the item to be posted. (col 7: lines 15-19) Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction, final selling price of the product and the number of products sold are all recorded in the Item Database. Therefore, it would have been obvious for Walker et al to calculate an average number or bids per item sold and an average price of item sold as needed as part of disclosed trend analysis to determine the proper listing price for the item. Walker would be motivated to perform such calculations to ensure that the posting site receives the proper commission and the seller sales his item. (col 8: lines 10-16)

A transmitting unit transmitting to said requester said average number of bid tender days and said average transaction price corresponding to each of said plurality of advertising periods. (col 5: lines 1, 22, Fig 6A)

**Referring to claim 50:**

A method according to claim 48

Walker et al does not expressly disclose executing a process with respect to each of said plurality of first extraction records, said process using said second collection table to collect said number of first extraction records, said total number of necessary days and said sum of complete transaction prices corresponding to each of said plurality of advertising periods for transaction information;

However, from Fig 4, it is clear that Walker et al stores the total time that an item was up for sale and final price of each item in the Item Database. Therefore, it would have been obvious and trivial for Walker et al to create a table disclosing the total number of necessary days and sum of complete transaction prices and sort said table by total time the items were up for bid as deemed necessary by trend analysis.

Obtaining necessary days to complete the transaction for said transaction target article based on said necessary time related information included in one of said plurality of first extraction records; (Fig 4)

Walker et al does not expressly disclose:

Incrementing by one said number of first extraction records on said second collection table corresponding to one of said plurality of advertising periods inclusive of said necessary days obtained based on one of said plurality of first extraction records;



Adding said necessary days to said total number of necessary days in said second collection table corresponding to one of said plurality of advertising periods; and

Adding said completed transaction price included in one of said plurality of first extraction records to the sum of completed transaction prices in said second collection table corresponding to one of said plurality of advertising periods,

After processing with respect to all of said plurality of first extraction records are completed, said statistic value calculating unit divides said total number of necessary days and said sum of completed transaction prices corresponding to each of said plurality of advertising periods stored in said second collection table into said number of first collection records corresponding to one of said plurality of advertising periods to calculate an average number of bid tender days and an average transaction price corresponding to each of said plurality of advertising periods,

However, Walker et al does disclose the ability to use trend analysis for sales of similar items or statistics such as sales during the past year to estimate the value of the item to be posted. (col 7: lines 15-19) Also, from Fig 4 as disclosed by Walker et al, it is clear that the total time of auction, final selling price of the product and the number of products sold are all recorded in the Item Database. Therefore, it would have been obvious for Walker et al to calculate an average number or bids per item sold and an average price of item sold as needed as part of disclosed trend analysis to determine the proper listing price for the item. Walker would be motivated to perform such calculations to ensure that the posting site receives the proper commission and the seller sales his item. (col 8: lines 10-16)

A transmitting unit transmitting to said requester said average number of bid tender days and said average transaction price corresponding to each of said plurality of advertising periods. (col 5: lines 1, 22, Fig 6A)

**Referring to claims 29 and 40:**

Walker et al does not expressly disclose said quality information is said using period divided into a plurality of time periods corresponding to each of a plurality of advertising periods.

However, from Fig 4, it is clear that Walker et al stores the total time that an item was up for sale and the grade of each item in the Item Database. Therefore, it would have been obvious and trivial for Walker et al to create a table disclosing the grades of each item and sort said table by total time the items were up for bid as deemed necessary by trend analysis.

**Referring to claims 30 and 41:**

Walker et al does not expressly disclose wherein said statistic value calculating unit executes no process if said using period exceeds a predetermined limit.

The examiner note that it is obvious to one skilled in the arts that if a component is too old or has exceeded its usable life span then no one would purchase the component. Therefore it would be unnecessary to calculate and statistic value for the component.

**Referring to claims 31 and 42:**

A system providing price setting support information to a requestor for setting a price for a transaction target article according to claim 45, wherein said quality

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evaluating information is an answer to a question about an assessment item for said transaction target article; (col 6: lines 23-27) and

Said quality information is an assessment rank corresponding to an assessment score incremented or decremented based on said answer to said question. (col 6: lines 23-27)

**Referring to claims 32 and 43:**

Walker does not disclose explicitly that an item post to be sold is a component of a vehicle.

Examiner submits however, that it would have been obvious to one having ordinary skill in the art at the time the invention was made to include components of a vehicle or any other good or service. Walker provides specific motivation by indicating that any types of good or service may be sold (col 3: lines 45-54).

5. Claims 33 and 44 are rejected as being unpatentable over Walker et al in view of U.S. Pat No. 5,657,233 to Cherrington et al.

Walker does not disclose a maintenance information storage unit stored with maintenance information of a vehicle. Walker also does not disclose using the vehicle maintenance information to obtain the using period.

Cherrington discloses a specifications database which contains vehicle specifications and a customer/inspection database which contains prior inspection records.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Walker's invention to include a vehicle maintenance information database and the ability to use the information to calculate the using time of a vehicle's component. One would be motivated to perform such a modification to have an alternate solution to providing the quality condition of an item for sale.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

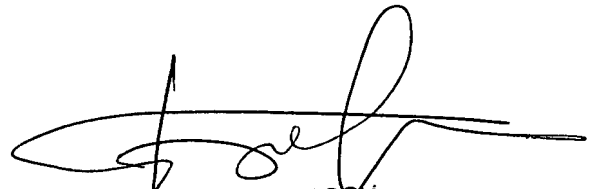
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw



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PRIMARY EXAMINER